

TRANSPORTATION OF AN UNLOADED PISTOL TO OR FROM A LAW ENFORCEMENT AGENCY

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4568 (Substitute H-1)

Sponsor: Rep. Jeff Mayes

Committee: Tourism, Outdoor Recreation and Natural Resources

Complete to 6-16-09

A SUMMARY OF HOUSE BILL 4568 (H-1)

Carrying a pistol, concealed or not, in a vehicle in violation of Section 227(2) of the Michigan Penal Code, MCL 750.227(2), constitutes a felony punishable by up to five years in prison or a fine of up to \$2,500. The H-1 Substitute version of this bill would amend an existing exception to this provision that allows someone who does not have a concealed pistol license *but who does have a pistol license under Section 2 of Public Act 372 of 1927* to transport his or her pistol (unloaded and properly encased) in a motor vehicle that he or she is driving or riding in so long as it is being transported for a lawful purpose. The bill would amend this provision to allow the transportation of an unloaded, properly-encased pistol in a motor vehicle for a lawful purpose, *whether or not the driver or passenger of the vehicle has a license for it.*

In addition, the bill would amend the existing definition of "lawful purpose." Currently, "lawful purpose" *includes* the following (meaning that other lawful purposes could also exist):

- While en route to or from a hunting or target shooting area.
- While transporting a pistol en route to or from his or her home or place of business and place of repair.
- While moving goods from one place of abode or business to another place of abode or business.
- While transporting a *licensed* pistol en route to or from a law enforcement agency *or for the purpose of having a law enforcement official take possession of the weapon.*
- While en route to or from his or her abode or place of business and a gun show or places of purchase or sale.
- While en route to or from his or her abode to a public shooting facility or public land where discharge of firearms is permitted by law, rule, regulation, or local ordinance.
- While en route to or from his or her abode to a private property location where the pistol is to be used as is permitted by law, rule, regulation, or local ordinance.

Under the bill, the language listed in italics above would be removed, leaving the amended phrase to read simply, "While transporting a pistol en route to or from a law enforcement agency." The other lawful purposes expressed in this section would be retained.

FISCAL IMPACT:

This bill would have an indeterminate fiscal impact because its effect on the number of felony prosecutions and convictions is unknown.

Legislative Analyst: Shannan Kane
Fiscal Analyst: Jan Wisniewski

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.